

Serial No. 10/051,807

Amendment dated December 16, 2003

Reply to Office Action of September 16, 2003

REMARKS

The Office Action dated September 16, 2003 has been received and its contents carefully noted.

In view of the foregoing amendments, and following representations, reconsideration are respectfully requested.

Examiner Shakeri is correct that a linking claim is presented, and is thanked for examining each of the claims.

To overcome the objection to the drawing, Applicant has shown a switching valve 68 for the two tanks. A proposed drawing change to Fig. 2 has been included in this amendment, along with a sheet of formal drawings incorporating the change to Fig. 2.

Applicant respectfully submits that there a basis for this addition in the application as filed. Applicant set forth the claimed and disclosed switching valve in Applicant's claim 5, as filed, which states "a switching valve is provided for switching between the at least two(2) blasting tanks, for alternately supplying blasting medium from each of the two(2) supply tanks." Indeed, switching valve 68 is similar to switching valve 60, as shown in Fig. 3, as filed, for example.

At the same time, to reduce the number of issues, and as will be addressed below, Applicant has shown blasting medium pick-up tube 28 in Fig. 2. Applicant likewise submits that there is basis in the application, as filed, for the addition of tube 28 to Fig. 2. Please see for example the paragraph on page 5, lines 7 and 8

Serial No. 10/051,807

Amendment dated December 16, 2003

Reply to Office Action of September 16, 2003

of the specification that states "Blasting media is supplied to blasting gun 20 through a media supply hose 26 or a blasting medium pick-up tube 28."

To overcome the objection to the disclosure as regards the subject matter of claims 4-15, and to overcome the rejection of claims 4-15 under 35 U.S.C. Section 112, first paragraph, please note the following.

Examiner Shakeri asserts that the specification "does not reasonably provide enablement for a blasting medium supply unit comprising at least two tanks." The Examiner then goes on to acknowledge that the "Specification discloses and describes blasting medium recovery cylinders (40) (50) having a switching valve (60) so that recovered medium recovered by the recovery hose (30) may be directed to either of the tanks (40) or (50) by switching between the pipe 62 and 64, respectively."

However, as would have been readily apparent to a person having ordinary skill in the art at the time the application was filed, and as set forth in the written description and claims, as filed, Applicant's recovery tanks 40 and 50 or recovery cylinders 40 and 50 serve as the claimed "blasting medium supply unit including at least two(2) blasting medium supply tanks", as set forth in claim 4, for example.

That is what recovery and recirculating cylinders are for.

Serial No. 10/051,807

Amendment dated December 16, 2003

Reply to Office Action of September 16, 2003

It is clearly set forth that blasting medium is supplied to blasting gun 20 through a media supply hose 26 or a blasting medium pick tube 28. Please see page 5, lines 7 and 8 of the application, as filed. The recovered blasting medium is returned to the tanks via recovery hose or vacuum hose 30. Please see page 5, lines 9-12, as filed, for example. That same paragraph describes how recovery hose 30 alternately connects blasting gun 20 to blasting medium recovery cylinder 40 or, alternately, to a blasting medium recovery cylinder 50. That alternating between recovery cylinders 40 and 50 is accomplished by use of switching valve 60, as set forth on page 5, lines 20-23 of the application, as filed, for example.

In summary, it is respectfully submitted that with the addition to Fig. 2 of the inadvertently omitted "blasting medium pick-up tube 28", described in the specification and claims as filed, yet which was inadvertently omitted from Fig. 2, as filed, along with the addition of a switching valve 68, likewise described and claimed in the application as filed, the objection and rejection have been overcome. Not only were tube 28 and valve 68 adequately disclosed and claimed, as filed, but such would have been obvious to a person having ordinary skill in the art at the time the application was filed, whether or not tube 28 and switching valve 68 had been explicitly shown in the drawings.

Serial No. 10/051,807
Amendment dated December 16, 2003
Reply to Office Action of September 16, 2003

To overcome the rejection of claims 1-3 as being taught by U.S. Patent No. 2,643,456 to Maurer et al., Applicant has amended claim 1 to include Applicant's feature that the clear portion is a clear plastic portion.

The Examiner's assertions to the contrary, Maurer would have failed to teach a person having ordinary skill in the art Applicant's novel features of claim 3, as filed, as Maurer failed to disclose the claimed "plastic pipe".

Claims 6, 10, and 13 have been amended for stylistic purposes, and to correct typographical errors in claims 6 and 13.

The amendments to claim 6, 10, and 13, hence, do not rise to the level addressed by the Court in Festo v. Shoketsu.

In addition, the amendments to Fig. 2, were done for ease of readability and understanding, even though such features would have been readily apparent to a person having ordinary skill in the art, based on the written description and claims as filed, would not have required undo experimentation, and likewise do not rise to the level of amendments touching patentability as envisioned by the Festo Court.

New claims 16 and 17 have been added to provide Applicant with the varied scope of protection to which he is entitled.

It is believed that no additional fee is due for this submission. Should that determination be incorrect; however, the Examiner is hereby authorized to charge any deficiencies to our

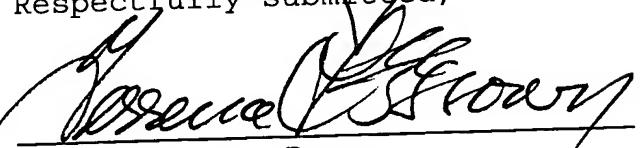
Serial No. 10/051,807
Amendment dated December 16, 2003
Reply to Office Action of September 16, 2003

Deposit Account No. 19-2105, and notify the undersigned in due course.

Should any outstanding formal matters or other issues remain, please the Examiner is requested to telephone Terrence Brown to resolve such.

Date: December 16, 2003

Respectfully submitted,


Terrence L.B. Brown
Attorney for Applicant
Reg. No. 32,685

SHLESINGER, ARKWRIGHT & GARVEY LLP
3000 South Eads Street
Arlington, Virginia 22202
(703) 684-5600
sb